

**SENATE JOURNAL
63RD LEGISLATURE
FIFTEENTH LEGISLATIVE DAY**

Helena, Montana
January 24, 2013

Senate Chambers
State Capitol

Senate convened at 1:00 p.m. President Essmann presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senators Arntzen and Sonju, excused. Quorum present.

Correctly printed: **SB 3, SB 31, SB 33, SB 44, SB 45, SB 49, SB 63, SB 70, SB 76, SB 92, SB 93, SB 117, SB 141, SB 173, SB 174, SB 177, SB 178, SB 179, SB 180, SB 181, SB 182, SB 183, SJR 6.**

Correctly engrossed: **SB 2, SB 21, SB 24.**

Transmitted to the House: **SB 5, SB 32, SB 35, SB 36, SB 41, SB 66, SB 87, SB 121, SJR 2.**

REPORTS OF STANDING COMMITTEES

EDUCATION AND CULTURAL RESOURCES (Peterson, Chair):

1/23/2013

SB 2, introduced bill, be amended as follows:

1. Title, page 1, line 7.

Following: "2010" on line 7

Insert: "AND REQUIRING EACH REPORT ON A BIENNIAL BASIS"

2. Page 2, line 20.

Following: line 19

Insert: "(3) On or before September 15 of even-numbered years, the office of public instruction shall report to the governor and the legislature on the change in status of standardized test scores, graduation rates, and drop-out rates of at-risk students."

3. Page 3, line 4.

Following: line 3

Insert: "(4) On or before September 15 of even-numbered years, the office of public instruction shall report to the governor and the legislature on the change in status of standardized test scores, graduation rates, and drop-out rates of American Indian students."

And, as amended, do pass. Report adopted.

JUDICIARY (Murphy, Chair):

1/23/2013

SB 21, introduced bill, be amended as follows:

1. Page 1, line 18.

Following: "candidate"

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Insert: "for governor"

2. Page 1, line 19.

Strike: "or purpose" on line 19 through "elected" on line 20

Insert: "for lieutenant governor"

And, as amended, do pass. Report adopted.

SB 134, do pass. Report adopted.

TAXATION (Tutvedt, Chair):

1/23/2013

SB 108, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

1/23/2013

HB 36, introduced by Boland

HB 46, introduced by Ingraham

HB 50, introduced by Howard

HB 54, introduced by Ingraham

HB 64, introduced by Ingraham

HB 67, introduced by B. Bennett

HB 82, introduced by Reichner

HB 94, introduced by Lieser

HB 110, introduced by Pease-Lopez

HB 115, introduced by Clark

HB 124, introduced by O'Hara

HB 125, introduced by O'Hara

HB 129, introduced by Gibson

House joint resolution passed and transmitted to the Senate for concurrence:

1/23/2013

HJR 2, introduced by Hollenbaugh

MOTIONS

Senator T. Brown moved **SB 105** be moved from the Judiciary committee to the Local Government committee. Without objection, so ordered.

Senator Wittich moved **SB 69** be moved to the bottom of the Second Reading board. Without objection, so ordered.

Senator Tutvedt moved **SB 177** be moved from the Finance and Claims committee to the Taxation committee. Without objection, so ordered.

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FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 184, introduced by Tutvedt, Fitzpatrick, Galt, Reichner, C. Smith, referred to Business, Labor, and Economic Affairs.

SB 185, introduced by Sesso, Ankney, Caferro, Jent, Larsen, Shaw, referred to State Administration.

SB 186, introduced by Hamlett, Hagan, referred to Judiciary.

SB 187, introduced by Webb, Boulanger, Caferro, Lenz, Murphy, Taylor, referred to Judiciary.

SB 188, introduced by Webb, Arntzen, Boulanger, Caferro, Fielder, Kary, Lenz, referred to Judiciary.

SB 189, introduced by Webb, Arntzen, Boulanger, Caferro, Fielder, Kary, Lenz, Murphy, Taylor, referred to Judiciary.

SB 190, introduced by Sonju, referred to Business, Labor, and Economic Affairs.

SB 191, introduced by T. Brown, Facey, L. Jones, Olson, Salomon, referred to Education and Cultural Resources.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Senator Wittich moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Walker in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 61 - Senator Ripley moved **SB 61** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Mr. President.

Total 46

Nays: Fielder, Wittich.

Total 2

Absent or not voting: None.

Total 0

Excused: Arntzen, Sonju.

Total 2

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SB 62 - Senator Ripley moved **SB 62** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Arntzen, Sonju.
Total 2

SB 99 - Senator Olson moved **SB 99** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Wittich, Mr. President.
Total 47

Nays: Windy Boy.
Total 1

Absent or not voting: None.
Total 0

Excused: Arntzen, Sonju.
Total 2

SB 55 - Senator Kaufmann moved **SB 55** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 47

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Nays: Murphy.

Total 1

Absent or not voting: None.

Total 0

Excused: Arntzen, Sonju.

Total 2

SB 57 - Senator Jent moved **SB 57** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

Total 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Arntzen, Sonju.

Total 2

SB 67 - Senator Van Dyk moved **SB 67** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

Total 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Arntzen, Sonju.

Total 2

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SJR 4 - Senator Keane moved **SJR 4** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Mr. President.
Total 46

Nays: Moore, Wittich.
Total 2

Absent or not voting: None.
Total 0

Excused: Arntzen, Sonju.
Total 2

Senator Moore in the chair.

SB 69 - Senator Walker moved **SB 69** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Mr. President.
Total 47

Nays: Wittich.
Total 1

Absent or not voting: None.
Total 0

Excused: Arntzen, Sonju.
Total 2

Senator Wittich moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Essmann presiding. Chair Walker moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest,

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Ripley, Rosendale, Sales, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Arntzen, Sonju.
Total 2

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 3 passed as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jones, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 46

Nays: Jergeson, Kaufmann.
Total 2

Absent or not voting: None.
Total 0

Excused: Arntzen, Sonju.
Total 2

SB 33 passed as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

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Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Arntzen, Sonju.

Total 2

SB 44 passed as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Webb, Windy Boy, Wittich, Mr. President.

Total 45

Nays: Caferro, Kaufmann, Wanzenried.

Total 3

Absent or not voting: None.

Total 0

Excused: Arntzen, Sonju.

Total 2

SB 76 passed as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

Total 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Arntzen, Sonju.

Total 2

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SB 92 passed as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.
Total 48

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Arntzen, Sonju.
Total 2

SB 93 passed as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Malek, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Windy Boy.
Total 36

Nays: Brenden, D. Brown, Fielder, Lewis, Moore, Priest, Taylor, Vincent, Walker, Webb, Wittich, Mr. President.
Total 12

Absent or not voting: None.
Total 0

Excused: Arntzen, Sonju.
Total 2

MOTIONS

Senator Buttrey moved to change his vote on **SB 57** from No to Yes. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

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Majority Leader Wittich moved that the Senate adjourn until 1:00 p.m., Friday, January 25, 2013. Motion carried.

Senate adjourned at 1:53 p.m.

MARILYN MILLER
Secretary of the Senate

JEFF ESSMANN
President of the Senate